

**TOWN OF ERIE**  
**BOARD OF TRUSTEES REGULAR MEETING 1**  
**Tuesday, January 28, 2014**  
**6:30 p.m.**  
**Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516**

---

**I. CALL MEETING TO ORDER**

Mayor Wilson called the January 28, 2014 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

**II. PLEDGE OF ALLEGIANCE AND ROLL CALL**

Roll Call:           Trustee Carnival –present  
                          Trustee Gruber – present  
                          Mayor Pro Tem Grassi – present  
                          Trustee Moore – present  
                          Trustee Mahe - present  
                          Trustee Woog – present  
                          Mayor Wilson – present

**III. APPROVAL OF THE AGENDA**

Action:   Mayor Pro Tem Grassi moved to approve the January 28, 2014 Agenda. The motion was seconded by Trustee Carnival; the motion carried with all present voting in favor thereof.

**IV. CONSENT AGENDA**

- a.   Approval of the January 14, 2014 Meeting Minutes
- b.   Resolution 14-23; A Resolution Awarding a Construction Contract for Irrigation Pond Repairs
- c.   Resolution 14-24; A Resolution Awarding a Janitorial Supplies Contract

Action:   Mayor Pro Tem Grassi moved to approve the January 28, 2014 Consent Agenda. Trustee Carnival seconded the motion. The motion carried with the following roll call vote:

Roll Call:           Trustee Carnival - Yes  
                          Trustee Gruber – Yes  
                          Trustee Mahe - Yes  
                          Mayor Pro Tem Grassi – Yes  
                          Trustee Moore – Yes  
                          Trustee Woog - Yes  
                          Mayor Wilson – Yes

**V. PUBLIC COMMENT**

**Mike Mazzocco**, 874 Quintana Lane, Erie, CO. spoke on behalf of the Keep Erie Safe Committee and urged the Board to vote in favor of the Ballot question for the construction of a new public safety facility.  
**Leslie Ball**, 1455 Serene Drive, Erie, CO. expressed issues with the Golden Run Annexation.  
**Lee Carter**, 1365 Hoffman Drive, Erie, CO. spoke in support of the Erie Single Track project and asked for legislation regulating Food Trucks.  
**Adam Haid**, 1376 Lawson Avenue, Erie, CO. updated the Board on the Single Track Project.

**VI. RESOLUTIONS**

- a. **Resolution 14-22; Resolution 14-22; Consideration of Resolution 14-22: A Resolution of the Town of Erie, Colorado, Authorizing a TABOR Election on April 1, 2014, Fixing the Ballot Title and Question; and Setting Forth Details in Relation Thereto**

The Board of Trustees has directed staff to craft language for a TABOR ballot issue for the construction of a new police station and municipal court building to be included on the ballot for the April 1, 2014 Regular Municipal Election. Resolution 14-22 authorizes a TABOR Election and fixes the Ballot Question for the April 1, 2014 Regular Municipal Election.

**Action:** Mayor Wilson moved to approve Resolution 14-22; the motion was seconded by Trustee Moore. Trustee Gruber asked for a friendly amendment to include wording to use Public Facility Impact Fees to offset the total cost. Mayor Wilson did not accept this amendment. The motion carried with the following roll call vote:

Roll Call: Trustee Carnival - Yes  
Trustee Gruber – Yes  
Trustee Mahe - Yes  
Mayor Pro Tem Grassi – Yes  
Trustee Moore – Yes  
Trustee Woog - Yes  
Mayor Wilson – Yes

**Action:** Mayor Wilson called for a break at 7:15 pm and reconvened the meeting at 7:35 p.m.

- a. **Resolution 14-26 A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into The Golden Run Annexation Agreement; Authorizing And Directing The Appropriate Town Officers To Sign Said Annexation Agreement; And, Setting Forth Details In Relation Thereto.**

**A.J. Krieger, Town Administrator**, presented staff recommendations for Resolution 14-26. The site is located at the northwest corner of Vista Parkway and County Line Road and is generally described as the North ½ of Section 25, Township 1 North, Range 69 West of the 6<sup>th</sup> Principle Meridian. The Resolution, provided for consideration by the Board of Trustees, accepts and authorizes the appropriate town official to sign the Golden Run Annexation Agreement which outlines obligations of the Town and the Owners for the Golden Run property. Public notice is not required for the Board of Trustees to enter into an Annexation Agreement. Staff recommended approval of Resolution 14-26; a resolution accepting and authorizing the appropriate Town official to sign the Golden Run Annexation Agreement. Aaron Harber was present to answer questions from the Board of Trustees.

**RESOLUTIONS (continued)**

**Action:** Following Board discussion, Mayor Wilson moved to approve Resolution 14-26; the motion was seconded by Trustee Mahe. Trustee Carnival asked for a friendly amendment to include in Section 1C "and the Town" to read as follows: "The Property shall be entitled to a specific total number of units, as detailed by the Owner and Town, but said number, in total for the entire Property, shall not exceed the maximum which otherwise would be allowed by the Town of Erie Comprehensive Plan (as approved in 2005). Subject to the Town's legal requirements and the terms of the Golden Run Final Development Plan, as agreed to by the Owner and the Town may distribute and/or allocate the total number of units throughout the Property as it sees fit as long as the cumulative maximum number of units does not exceed that allowed for the entire Property by the restrictions, if any, of the Comprehensive Plan. Both Mayor Wilson and Trustee Mahe accepted the amendment to the motion. The motion carried with the following Roll Call vote:

**Roll Call:** Trustee Carnival - Yes  
Trustee Gruber - No  
Trustee Mahe - Yes  
Mayor Pro Tem Grassi - Yes  
Trustee Moore - No  
Trustee Woog - No  
Mayor Wilson - Yes

**VII. ORDINANCES**

- a. Ordinance 07-2014; An Ordinance of the Town of Erie, Colorado, Approving the Initial Zoning for Golden Run Planned Development to PD – Planned Development; and Providing, for the Effective Date of This Ordinance; and Setting Forth Details in Relation Thereto.

A.J. Krieger, Town Administrator, presented staff recommendations for the approval of Ordinance 45-2013. The Golden Run property was annexed by the Town of Erie on October 8, 2013. State statute requires that annexed property be granted zoning within ninety days by the annexing municipality. The property owner has requested that the Golden Run property be zoned PD-Planned Development. The specifics of the permitted uses and development standards of the Golden Run property are outlined in the Golden Run Planned Development Initial Development Plan ("GRPD-IDP"). The GRPD-IDP allows the current uses of the property (primarily single-family residential and agricultural uses) to continue on the property and be subject to the Town's RR-Rural Residential development standards. It is the intent of the property owner to amend the GRPD-IDP in the future to allow development beyond what is allowed by the GRPD-IDP. Any proposed amendments to the GRPD-IDP will require review under Title 10 of the Town Code. Staff recommended approval of Ordinance 45-2013; an Ordinance Zoning the Golden Run property to PD-Planned Development.

**Action:** Mayor Wilson moved to approve Ordinance 07-2014 contingent upon the applicant signing the amended Annexation Agreement; the motion was seconded by Trustee Carnival. The motion carried with the following roll call vote:

Trustee Carnival - Yes  
Trustee Gruber - No  
Trustee Mahe - Yes  
Mayor Pro Tem Grassi - Yes  
Trustee Moore - No  
Trustee Woog - No  
Mayor Wilson - Yes

**ORDINANCES (continued)**

**Action:** Mayor Wilson called for a break at 9:06 p.m. and reconvened the meeting at 9:20 p.m.

- b. **Ordinance 08-2014; An Ordinance Of The Town Of Erie, Colorado, Amending Title 2, "Revenue And Finance," Chapter 10, "Fee Schedule," Section 6, "Building Inspection Fees," And Chapter 11, "Sales And Use Tax," Section 2, "Use Tax," Of The Erie Municipal Code; And, Setting Forth Details In Relation Thereto.**

**Action:** This was the first reading of Ordinance 08-2014 and it will be brought back for Board action at the February 11, 2014 Regular Meeting of the Board of Trustees.

**VIII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES**

**ANDALUSIA ANNEXATION**

**PUBLIC HEARING**

**Action:** Mayor Wilson opened the Public Hearings for Resolution 14-25 and Ordinance 06-2014 at 9:06 p.m.

- a. **Resolution 14-25; A Resolution Regarding the Andalusia Annexation; Adopting Certain Findings of Fact and Conclusions Favorable to the Annexation**

**Todd Bjerkaas, Planner**, presented staff recommendations for the approval of Resolution 14-25. The site is located at the southwest corner of State Highway 52 and Weld County Road (WCR) 3 and is generally described as a portion of Section 6, Township 1 North, Range 68 West of the 6<sup>th</sup> Principle Meridian. Saeed & Forough Moradi Family Trust, K.A.C. Holdings LLC, a Delaware limited liability company; the Mike & Shahla Moradi Trust; the Katina Moradi Trust; the Albert Moradi Trust; the Caroline Moradi Trust; and I & J PARTNERSHIP, LLP, a California Limited liability partnership have submitted a Petition for Annexation of their 318.99 acre unincorporated Weld County property into the Town of Erie. The application has been processed in accordance with C.R.S. 31-12-101, et seq., as amended, and Section 7.15 of the Town of Erie Unified Development Code. On December 10, 2013 the Board of Trustees held a Substantial Compliance hearing on the Andalusia Annexation Petition and established January 28, 2014 as the Public Hearing date for adopting Findings of Fact in favor of the proposed annexation. Staff finds the application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S.31-12-108. The Annexation is in compliance with the required noticing requirements of C.R.S. 31-12-108; with published notice in the Colorado Hometown Weekly, on December 18, 2013; December 25, 2013; January 1, 2014; and January 8, 2014. Staff recommends approval of Resolution 14-25: A Resolution Regarding the Andalusia Annexation; Adopting Certain Findings of Fact and Conclusions Favorable To The Annexation.

- b. **Ordinance 05-2014; An Ordinance Annexing the Andalusia Annexation to the Town of Erie, Colorado, Providing for the Effective Date of this Ordinance; Setting Forth Detail in Relation Thereto.**

**Todd Bjerkaas, Planner**, presented staff recommendations for the approval of Ordinance 05-2014. Saeed & Forough Moradi Family Trust, K.A.C. Holdings LLC, a Delaware limited liability company; the Mike & Shahla Moradi Trust; the Katina Moradi Trust; the Albert Moradi Trust; the Caroline Moradi Trust; and I & J PARTNERSHIP, LLP, a California Limited liability partnership have submitted a Petition for Annexation of their

## **LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES (continued)**

### **ANDALUSIA ANNEXATION**

318.99 acre unincorporated Weld County property into the Town of Erie. The application has been processed in accordance with C.R.S. 31-12-101, et seq., as amended, and Section 7.15 of the Town of Erie Unified Development Code. On December 10, 2013 the Board of Trustees held a Substantial Compliance hearing on the Andalusia Annexation Petition and established January 28, 2014 as the Public Hearing date for adopting Findings of Fact in favor of the proposed annexation. Ordinance 05-2014 annexes the subject property. Staff finds the application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108. The Annexation is in compliance with the required noticing requirements of C.R.S. 31-12-108; with published notice in the Colorado Hometown Weekly, on December 18, 2013; December 25, 2013; January 1, 2014; and January 8, 2014. Staff recommends the approval of Ordinance 05-2014: an Ordinance Annexing the Andalusia property to the Town of Erie.

### **PUBLIC HEARING**

#### **c. Ordinance 06-2014; An Ordinance Zoning the Andalusia Annexation Providing for the Effective Date of this Ordinance; Setting Forth Details in Relation Thereto**

**Todd Bjerkaas, Planner**, presented staff recommendations for the approval of Ordinance 05-2014. In August 2013, the authorized representative of the owners of the Andalusia property filed an application to annex the property into the Town of Erie. On December 10, 2013 the Board of Trustees held a Substantial Compliance hearing on the Andalusia Annexation Petition and accepted the petition through the approval of Resolution 13-160. This resolution established January 28, 2014 as the Public Hearing date for adopting Findings of Fact in favor of the proposed annexation. Concurrent with the Annexation application, the owner filed an Initial Zoning application with the Town requesting initial zoning of CC – Community Commercial and LR – Low Density Residential for the Andalusia property. Staff finds the application in compliance with Section 7.4, Initial Zoning, of Title 10 of the Municipal Code. Notice of this Public Hearing has been provided in compliance with the UDC. Staff recommends approval of Ordinance 06-2014; an Ordinance Zoning the Andalusia property to CC – Community Commercial and LR – Low Density Residential.

### **Applicant Presentation**

**Kirby Smith, Planner**, 6201 Hudson Court, Centennial, CO. presented a conceptual sketch plan for the Andalusia Development and answered questions from the Board of Trustees.

**Jerry Bouldin**, 3733 Florentine Circle, Longmont, CO 80503, was present as the Owner Representative and answered questions from the Board of Trustees.

### **Public Testimony**

**Greg Baumer**, 1242 Highland Way, Erie, CO. expressed concerns regarding the Andalusia Annexation traffic impact and usable open space.

**Sandy Mullins**, 5212 Buffalo Road, Erie, CO. expressed concerns regarding the impact of the Andalusia Development on her property, traffic impacts and the impact to property values.

**Bob Hancock**, 5768 CR 3, Erie, CO. expressed concerns about the impact of the development on traffic in the area.

**Melody Mundell**, 6158 SH52, Erie, CO. expressed concerns about the impact of the development to her business and property.

**LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES** (continued)

**ANDALUSIA ANNEXATION**

- Action: Mayor Wilson closed the Public Hearings for Resolution 14-25 and Ordinance 06-2014 at 10:02 p.m.
- Action: Trustee Carnival moved to approve Resolution 14-25; the motion was seconded by Mayor Pro Tem Grassi. The motion carried with all present voting in favor thereof.
- Action: This was the first reading of Ordinance 05-2014 and this will be returned for Board action at the February 11, 2014 Regular Meeting of The Board of Trustees.
- Action: This was the first reading of Ordinance 06-2014 and this will be returned for Board action at the February 11, 2014 Regular Meeting of The Board of Trustees.

**IX. GENERAL BUSINESS**

**a. Coal Creek Park Discussion**

- Action: General Board consensus was to schedule a Study Session with Design Consultants at a future date to be determined.

**b. Moving America forward with William Shatner" Award and Promo Video."**

Mayor Wilson presented a proposal to the Board to produce a video to promote the Town.

- Action: Mayor Wilson moved to proceed with the Talent Agreement and the Licensure Agreement with Shatners Moving America Forward Productions. The motion was seconded by Mayor Pro Tem Grassi; the motion failed with the following roll call vote:

Trustee Carnival - No  
Trustee Gruber - No  
Trustee Mahe - Yes  
Mayor Pro Tem Grassi - Yes  
Trustee Moore - No  
Trustee Woog - No  
Mayor Wilson - Yes

**LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES** (continued)

**ANDALUSIA ANNEXATION**

- c. Transfer Money for Legal Expense to Insure Maximum FAA Funding to Erie (EIK) Airport

**Action:** Trustee Woog moved to transfer money for legal defense to insure maximum FAA funding to the Erie Airport. The motion was seconded by Trustee Mahe; the motion carried with a four (4) for and three (3) against, with Trustees Carnival, Moore and Gruber voting no.

**X. BOARD OF TRUSTEES REPORTS**

Trustee Moore noted an upcoming Public Works Open House on February 6<sup>th</sup> for Capital Projects.

Mayor Pro Tem Grassi directed staff to bring back legislation on Food Trucks based on Longmont's legislation.

Trustee Mahe commented on the recent Board Retreat and mentioned an upcoming CML training he will be attending.

**XI. ADJOURNMENT**

**Action:** Mayor Pro Tem Grassi moved to adjourn the January 28, 2014 regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

**Action:** Mayor Wilson adjourned the January 28, 2014 Regular Meeting of the Town of Erie Board of Trustees at 10:40 p.m.

Respectfully Submitted,

  
Nancy J. Parker, CMC, Town Clerk



  
Joseph A. Wilson, Mayor